

RESOLUTION #2, 2010

A RESOLUTION TO SUBMIT AT THE CITY'S APRIL 6, 2010 REGULAR ELECTION A BALLOT QUESTION TO EXPAND THE PERMITTED USES OF THE EXISTING SALES AND USE TAX SUPPORTING THE BILL HEDDLES RECREATION CENTER; AND SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT QUESTION.

WHEREAS, the City of Delta, Colorado (the "City") is a municipal corporation duly organized and operating as a home rule municipality under Article XX of the Constitution of the State (the "State") and the Charter of the City (the "City Charter"); and

WHEREAS, pursuant to Ordinance No. 8, 1991, as modified pursuant to Referred Measure A approved by the City electors at the regular City election on April 1, 2008, the revenues from the sales and use tax imposed at a rate of three-fourths of one percent are to be used exclusively for the operation and maintenance of the Bill Heddles Recreation Center through December 31, 2020; and

WHEREAS, the City Council desires to expand the purposes for which such sales and use tax revenues can be expended to include capital improvements to the Bill Heddles Recreation Center; and

WHEREAS, in order to permit such expanded use the City Council desires to refer the ballot question set forth in Appendix A hereto before the eligible electors at the regular City election to be held on Tuesday, April 6, 2010.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO:

1. At the regular City election shall be held on Tuesday, April 6, 2010, there shall be submitted to the eligible electors of the City a ballot question expanding the use of the existing sales and use tax revenues supporting the Bill Heddles Recreation Center, which ballot question shall be in substantially the form attached hereto as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.

2. For purposes of C.R.S. § 1-11-203.5 and C.R.S. § 31-11-111, this Resolution shall serve to set the title and content for the ballot question set forth herein and the ballot title for such ballot question shall be the text of the ballot question itself. Any protest to the ballot title shall be filed in writing with the City Clerk within ten (10) business days following the date of adoption of this Resolution and shall be resolved thereafter by the City Council following a hearing with published notice.

3. The City Clerk is hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

4. If the Ballot Question is approved by a majority of the qualified electors of the City voting at the regular election, the City Council shall adopt an ordinance providing that the

revenues from the sales and use tax imposed at a rate of three-fourths of one percent pursuant to City Ordinance No. 8, 1991, as extended pursuant to Referred Measure "A" approved by the City's qualified electors voting at the regular City election held on April 1, 2008, shall be used exclusively for the operation and maintenance of, and capital improvements to, the Bill Heddles Recreation Center.

5. This Resolution shall take effect immediately upon its passage.

ADOPTED AND APPROVED this ____ day of January, 2010.

CITY OF DELTA

[CITY SEAL]

By _____
Mayor

ATTEST:

By _____
City Clerk

APPENDIX A
FORM OF REFERRED MEASURE

Referred Measure _____

WITHOUT AUTHORIZING EITHER THE INCREASE OF ANY EXISTING TAX OR THE IMPOSITION OF ANY NEW TAX, SHALL THAT PORTION OF CITY SALES AND USE TAX REVENUES GENERATED PURSUANT TO CITY ORDINANCE NO. 8, 1991 AND REFERRED MEASURE “A” APPROVED BY THE CITY’S ELECTORS AT THE 2008 REGULAR ELECTION WHICH CURRENTLY ARE TO BE USED EXCLUSIVELY FOR THE OPERATION AND MAINTENANCE OF THE BILL HEDDLES RECREATION CENTER ALSO BE PERMITTED TO BE USED FOR CAPITAL IMPROVEMENTS TO THE BILL HEDDLES RECREATION CENTER?